

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Andrew Meikle on June 23, 2010.

The application has been amended as follows:

**In the Claims:**

Claim 1, line 14, insert the terms "of the formula" after the term "compound" and before the term "la".

Claim 11, line 4, delete the term "ingredient" and insert the term "compound".

Claim 12, line 1, insert the term "synergistic" after the term "A" and before the term "mixture".

Claim 12, line 13, insert the terms "of the formula" after the term "compound" and before the term "la".

Claim 13, line 1, insert the term "synergistic" after the term "A" and before the term "mixture".

Claim 14, line 1, insert the term "synergistic" after the term "A" and before the term "mixture".

Claim 14, line 4, delete the term "ingredient" and insert the term "compound".

Claim 15, line 1, insert the term "synergistic" after the term "A" and before the term "mixture".

Claim 17, line 1, insert the term "synergistic" after the term "A" and before the term "mixture".

#### **REASONS FOR ALLOWANCE**

The following is a statement of reasons for allowance: The closest prior art does not disclose, suggest or otherwise render obvious a method and a composition for synergistically increasing the yield of glyphosate-resistant legumes which comprises treating the plants with a mixture comprising (a) a compound of the formula Ia and a glyphosate derivative II in the presently claimed weight ratio. The Declaration filed June 30, 2009 provides data to indicate that the combination of glyphosate with pyraclostrobin provides unexpected efficacy and increased yield. The expected efficacy for the combination was 4.56%, while the observed efficacy was 25.8, which is 21.24 percent higher than expected. The data presented in the Declaration filed June 1, 2010 indicates that the combination of glyphosate with pyraclostrobin provides unexpected efficacy and increased shoot biomass. The expected efficacy for the combination was - 30.83, while the observed efficacy was 1.8, which is 32.63 percent higher than expected.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

Claims 7-17 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andriae M. Holt whose telephone number is (571)272-9328. The examiner can normally be reached on 7:00 am-4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richter Johann can be reached on 571-272-0646. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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